

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**TERRENCE J. FITCH,
Plaintiff,**

v.

Case No. 21-C-0358

**SARAH M. MONAHAN,
Defendants.**

ORDER

Pro se plaintiff Terrance J Fitch has filed a lawsuit in this court against Sarah M. Monahan. The only relief requested by the plaintiff is an award of physical and legal custody of his son.

Federal courts are courts of limited jurisdiction, and I must examine newly filed complaints to ensure that they properly allege federal jurisdiction. See *Chase v. Shop n' Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997); *Wisconsin Knife Works v. National Metal Crafter*, 781 F.2d 1280, 1282 (7th Cir. 1986). In general, federal jurisdiction can be premised on a federal question or on diversity of citizenship. See 28 U.S.C. §§ 1331, 1332. However, the domestic-relations exception to federal jurisdiction precludes federal courts from exercising jurisdiction over cases that pertain to divorce, alimony, and child custody orders. *Kowalski v. Boliker*, 893 F.3d 987, 995 (7th Cir. 2018) (citing *Ankenbrandt v. Richards*, 504 U.S. 689, 701–02 (1992)). This exception applies to both federal-question and diversity suits. *Id.*

Here, the only relief requested by the plaintiff is a child custody order. This case therefore falls squarely under the domestic-relations exception. As such, the plaintiff

cannot establish a basis for this court to exercise federal subject matter jurisdiction over his case. I must therefore dismiss his complaint.

Accordingly, **IT IS ORDERED** that this case is **DISMISSED** for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that plaintiff's motion to transfer custody matter is **DENIED** as **MOOT**.

IT IS FURTHER ORDERED that defendant's motion to dismiss is **DENIED** as **MOOT**.

Finally, **IT IS ORDERED** that the Clerk of Court shall enter judgment.

Dated at Milwaukee, Wisconsin, this 5th day of November, 2021.

s/Lynn Adelman
LYNN ADELMAN
United States District Judge